

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARK RENALDO LOWE,

Plaintiff,

v.

ROMAN KAPLAN, DAN KLOTZBACH
and MARY JO SCHMITT,

Defendants.

ORDER

06-cv-680-bbc

On March 19, 2008 I considered plaintiff's request for leave to proceed in forma pauperis on appeal and concluded that he had not accrued three strikes under 28 U.S.C. § 1915(g) and that his appeal was not taken in bad faith. I concluded also that plaintiff was required to pay an initial partial payment of the filing fee for his appeal, but that I could not calculate the amount of the payment because plaintiff had not submitted a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal as required by 28 U.S.C. § 1915(a)(2). I gave plaintiff until April 8, 2008 in which to submit the required statement. Now, instead of complying with the March 19 order, plaintiff has submitted an affidavit of indigency that does not show the monthly

deposits made to his account or the monthly balance in his account over the past six month period. This will not do. The trust fund account statement is required by the statute. Plaintiff cannot avoid this requirement simply because he prefers to submit an affidavit of indigency in its place. Although I have no obligation to do so, I will allow plaintiff one last opportunity to comply with the March 19, 2008 order. If he fails to do so, I will deny his request for leave to proceed in forma pauperis on appeal for his failure to show that he is entitled to indigent status on appeal.

ORDER

IT IS ORDERED that plaintiff may have until April 15, 2008, in which to submit a certified copy of his trust fund account statement for the six-month period beginning approximately September 15, 2007 and ending approximately March 15, 2008. If by April 15, 2008, plaintiff fails to submit the required trust fund account statement, I will deny his request for leave to proceed in forma pauperis on the ground that he has failed to show that he is entitled to indigent status on appeal.

Entered this 3rd day of April, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge

